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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 000156

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TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [TH](#)

SUBJECT: ELECTION UPDATE: MORE WINNERS, MORE RUMORS

REF: A. BANGKOK 107 (PPP ON TRACK)
[1](#)B. 07 BANGKOK 6226 (TOP FIVE THINGS)
[1](#)C. 06 BANGKOK 2688 (CONSTITUTIONAL COURT ANNULS
POLLS)

Classified By: Deputy Chief of Mission James F. Entwistle, reason 1.4 (b) and (d).

SUMMARY

[1](#)1. (C) To date, the Election Commission has certified the outcome of 431 (of 480) races in the December 23 House of Representatives election. The three People's Power Party (PPP) candidates whose victory was annulled in Nakhon Ratchasima province won in a re-run election held on January 13; PPP appears certain to retain a substantial parliamentary plurality after the completion of re-run elections. Senior executives of two smaller political parties who initially had appeared to win seats in the House have been disqualified for electoral improprieties; their disqualification raises the prospect of efforts to dissolve their political parties. The wife of deposed PM Thaksin Shinawatra has returned to Thailand and is believed to be engaged in negotiations over the composition of the next government, with continued rumors circulating that confrontational PPP leader Samak will be sidelined. The PPP Secretary-General is often mentioned as a less controversial candidate to lead the new government. There is even speculation that minor party leader Barnharn could be brought in as a compromise candidate. PPP has vehemently denied these rumors; the continued delay by Chart Thai and Motherland parties, however, to formally commit their over 50 seats to a PPP-led coalition is fueling speculation of this kind. End Summary.

PARTY EXECUTIVES IN TROUBLE

[1](#)2. (SBU) The Election Commission (ECT) has disqualified for improprieties two legislative candidates who sit on the executive boards of the Chart Thai and Matchima Thippathai parties: Monthian Songpracha, Chart Thai's Deputy Secretary General, and Sunthorn Wilawan, a deputy leader of Matchima Thippathai. Their disqualification could prompt the Election Commission to petition the Constitutional Court to dissolve the two parties. (Ref A explained certain draconian provisions in the election law that could lead to

consideration of party dissolution in cases such as this.)

¶3. (C) The ECT also continues to investigate the case against Yongyuth Tiypairath, a PPP Deputy Leader whose apparent victory in the December 23 election has been put on hold pending a vote-buying investigation (reftel). On January 14, the Chart Thai candidate who brought the original complaint abruptly withdrew it. Another witness in the case told the press that he had been intimidated and had asked for police protection. Following Yongyuth's vehement complaints that the investigation against him was biased, the Election Commission established a new subcommittee, composed of five former judges and public prosecutors, to look into the charges. With the deadline for the seating of the parliament looming, it is not clear how the ECT will handle this case if it requires protracted investigation, or if witnesses will no longer cooperate. Some media sources quoted ECT members as saying they plan to certify Yongyuth's victory prior to the parliament's first sitting, but will continue to investigate the allegations lodged against him. If the ECT concludes there is evidence of fraud after the Parliament holds its initial sitting, it can refer the case to the Supreme Court; under these circumstances, the accused candidate is suspended from the Parliament until his case is resolved.

THAKSIN'S WIFE RETURNS, COALITION NEGOTIATIONS

¶4. (SBU) Thaksin Shinawatra's wife, Potjaman, returned to Thailand on January 8. In a smooth process that showed effective planning by her legal team, she immediately proceeded first to the Supreme Court, then to the Justice Ministry's Department of Special Investigations (DSI). At

BANGKOK 00000156 002 OF 003

both sites, she posted bail. The charges at the Supreme Court related to abuse of power in connection with her purchase of land from a government-affiliated institution, while the DSI had a warrant outstanding for her arrest based on her failure to appear for an investigation relating to the concealment of assets. She will appear again in court on January 23 to enter a plea in the land purchase case.

¶5. (C) Meanwhile, however, despite her denials, there is a widespread perception that Potjaman is involved in negotiations relating to the formation of the next government. (Comment: We have no reason to doubt Potjaman is indeed playing this role. She weighed in on numerous -- some claim most -- important decisions when Thaksin was Prime Minister. End Comment.) Rumors center on speculation that controversial PPP leader Samak Sundaravej may be asked to step aside and permit the more presentable PPP Secretary-General Surapong Suebwongli to become PM. There is

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also a rumor that Chart Thai head and former PM Barnharn Silpa-archa will be asked to step in and lead the next government, also as a compromise figure more likely to promote national reconciliation. The PPP has vehemently and repeatedly denied these reports. The status of PPP's efforts to formally announce a coalition remain unclear; there had been rumors that PPP would make an announcement on January 17 -- the first day after the end of the period of mourning for the death of Princess Galyani Vadhana. However, Chart Thai leader Barnharn has once again delayed his party's formal announcement, which is now slated for January 18. Motherland Party has also delayed a formal announcement of its plans. These two parties represent over 50 seats; their continued coyness in committing clearly to the PPP coalition is fueling speculation over back room political deals.

UPDATED ELECTION RESULTS

¶6. (SBU) As of mid-day on January 15, the Election Commission (ECT) had certified 431 of the candidates who stood for

election for the 480-seat House of Representatives. The pro-Thaksin People's Power Party (PPP) has 194 certified winners, compared to 163 for the second-place Democrat Party.

The EC has thus far disqualified seven candidates ('red cards'), four of them from the PPP, and called for re-run elections in their constituencies. The ECT continues to investigate 21 cases, including 19 involving PPP candidates. The EC expects that re-run elections will take place on January 17 in two constituencies for five parliamentary seats, and on January 20 in 11 constituencies for 20 parliamentary seats; it is unclear when other re-run races will be scheduled.

17. (C) The first "yellow card" re-run election took place in a district of Nakhon Ratchasima province on January 13. Three PPP candidates had initially appeared to win seats in that district, but the election was annulled after the EC found evidence that implied (but did not confirm) the PPP candidates were involved in paying people to join pre-election campaign rallies and improperly donating money to temples to solicit support from voters. Unofficial results released on January 14 indicated that the same three PPP candidates won the re-run election. (Comment: Given the widespread perception that PPP has won an insurmountable plurality, we believe few candidates from other parties are inclined to mount aggressive or expensive campaigns in an effort to prevail over PPP competitors in re-run campaigns where PPP appeared to win an initial victory. End Comment.)

18. (C) There have been several cases of what may be election-related violence in the areas with pending re-run elections. In Buriram, a bomb exploded on January 13 near the house of a Motherland candidate who had registered a complaint about the poll results in his constituency. A policeman died on the same day in Nakorn Ratchisima, apparently when the bomb he was carrying accidentally detonated, according to press accounts. The incident occurred near the home of a former Thai Rak Thai official (banned himself, his brother ran on the PPP ticket and lost.) Police speculate that the bombing attempt might be linked to business disputes. The politician alleged, however, that it

BANGKOK 00000156 003 OF 003

might be a revenge attack, as the winner in the race was still under investigation by the ECT and might blame the intended victim for bringing a fraud claim against him to the ECT.

OTHER LITIGATION

19. (C) In addition to the Yongyuth investigation above, there are several additional cases working their way through the justice system. Representatives of several political parties and civic organizations have filed cases with the Supreme Court against various aspects of the December elections. A Democrat Party candidate filed a claim that the PPP, as a proxy or nominee of the disbanded TRT, should have been ineligible to compete in the elections. A representative of the New Aspiration Party and an activist from the Northeast have both filed complaints against the advanced voting, held on December 15 and 16. They claim that the ECT had no legal authority to organize advance voting other than for people voting out of their own district. They ask that the advance voting be nullified. (Comment: Few here expect these cases to result in any verdict that would overturn the results of the election, but the charges themselves are not without foundation. PPP leader Samak did describe himself as a "nominee" of former PM Thaksin, and advanced voting has been the subject of some concern (ref B). We recall that the 2006 elections were annulled over technical issues, including compromised ballot secrecy due to the positioning of the voting booths (ref C). End comment.)

TIME FRAME FOR RE-RUN ELECTIONS, PARLIAMENT OPENING

¶10. (SBU) The Election Commission appears confident that it can certify the winners of 95 percent of House seats (456 out of 480) before the 30-day constitutional deadline for the first House session. The EC has said it will continue investigating election irregularities even for certified election winners. Under election laws, elected parliamentarians facing malfeasance charges after official EC certification are suspended pending a Supreme Court ruling on the accusations. In recent years, the House's first session typically has taken place very close to the 30-day mark, with the election of the Prime Minister occurring soon thereafter.

(The Constitution stipulates that the House must elect a Prime Minister within 30 days of its first session; based on progress to date and the current political map we currently expect the election in early February, well before that deadline.)

COMMENT

¶11. (C) The Election Commission appears likely to complete sufficient work in time for the House to hold its first session during the week of January 21-25 - it is very close to certifying the necessary 456 seats. Thus far, there is no compelling evidence that the ECT is acting with bias as it investigates election irregularities, and the EC is clearly feeling the pressure to complete its investigative role within the 30-day constitutional deadline for the parliament's first sitting. Even if the parliament convenes on time, however, there could be further pitfalls for the elected MPs, some of whom may still be under the threat of removal even after they take their seats in the assembly.
JOHN